

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OWEN W. BARNABY,
Plaintiff,

v.

Hon. Robert J. Jonker
Mag. Sally J. Berens
Case No. 1:22-cv-01146

NILES CHARTER TOWNSHIP, et al.,
Defendants.

Owen W. Barnaby
PO Box 1926
Kennesaw, GA 30156
(678) 382-4183
Bossproperties96@gmail.com

T. Seth Koches (P71761)
Attorney for Defendants Niles Charter Township &
the Niles Charter Township Board of Trustees
Bauckham, Thall, Seeber, Kaufman & Koches, P.C.
470 W. Centre Ave., Ste. A
Portage, MI 49024
(269) 382-4500
koches@michigantownshiplaw.com

TOWNSHIP DEFENDANTS' MOTION TO DISMISS

Defendants, Niles Charter Township and Niles Charter Township Board of Trustees, (together the "Township Defendants"), by and through its undersigned counsel, submit this motion to dismiss pursuant to Federal Rule of Civil Procedure Rule 12(b)(1) and Rule 12(c). In support of this motion, the Township Defendants submit the brief accompanying brief.

As required by W.D. Local Civ. R. 7.1(d), the Township Defendants, through their counsel, attempted to obtain concurrence from Mr. Barnaby regarding this motion to dismiss and accompanying brief. Mr. Barnaby informed the Township Defendants on Wednesday, March 27, 2024, by email, that he did not concur.

Respectfully submitted,

BAUCKHAM, THALL
SEEBER, KAUFMAN & KOCHES, P.C.

DATED: March 27, 2024

BY: /s T. Seth Koches

T. Seth Koches (P71761)
Attorney for Defendants Niles Charter Township &
the Niles Charter Township Board of Trustees
Bauckham, Thall, Seeber, Kaufman & Koches, P.C.
470 W. Centre Ave., Ste. A
Portage, MI 49024
(269) 382-4500
koches@michigantownshiplaw.com